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4 UNITED STATES DISTRICT COURT  
5 DISTRICT OF NEVADA

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7 JOE SMITH,

8 Plaintiff,

9 v.

10 NICHOLAS & CO. FOODSERVICE, LLC,

11 Defendant.  
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Case No. 2:18-cv-00256-KJD-CWH

ORDER

13 Presently before the Court is Plaintiff's Counsel Hatfield & Associates' Motion to  
14 Reduce Lien to Judgment (#31) and Motion to Withdraw as Attorney (#30). Though the time for  
15 doing so has passed, no responses in opposition have been filed. Having read and considered  
16 Counsel's Motion to Withdraw, and good cause being found, it is granted.

17 District courts have ancillary jurisdiction over fee disputes generated by an attorney's  
18 withdrawal. See, e.g., Curry v. Del Priore, 941 F.2d 730, 731 (9th Cir. 1991). "Determining the  
19 legal fees a party to a lawsuit properly before the court owes its attorney, with respect to the  
20 work done in the suit being litigated, easily fits the concept of ancillary jurisdiction." Federal  
21 Sav. & Loan Ins. Corp. v. Ferrante, 364 F.3d 1037, 1041 (9th Cir. 2004) (quoting Jenkins v.  
22 Weinshienk, 670 F.2d 915, 919 (10th Cir. 1982)).

23 The state's law in which a federal court sits governs resolution of an attorney lien. Itar-  
24 Tass Russian News Agency v. Russian Kurier, Inc., 140 F.3d 442, 448 (2d Cir. 1998) (federal  
25 courts resolve attorney liens by applying state law). Nevada statute allows for a retaining lien by  
26 an attorney for the fees owed to that attorney by his client. See N.R.S. 18.015(4)(b). That  
27 statutory scheme was amended in 2013 to make clear that a retaining lien is not passive in nature,  
28 and that judgment may be sought from the Court in "any civil action." N.R.S. 18.015(1)(b); see

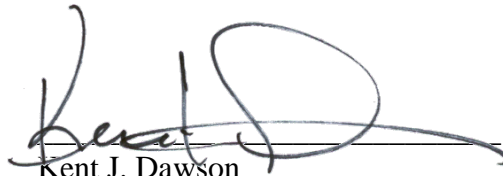
1 also Fredianelli v. Price, 402 P.3d 1254, 1256 (Nev. 2017). Such relief may be sought by the  
2 filing of a motion for adjudication and enforcement of the lien. See N.R.S. 18.015(6). In  
3 Fredianelli, the Nevada Supreme Court clarified that enforcement of an attorney's statutory  
4 retaining lien includes reducing the lien to a monetary judgment. 402 P.3d at 1256. Here,  
5 Hatfield has sufficiently demonstrated the validity and reasonableness of his lien. Accordingly,  
6 the Court will order judgment be entered in the amount of \$1,104.55.

7 Accordingly, IT IS HEREBY ORDERED that Plaintiff's Counsel's Motion to Withdraw  
8 (#30) is **GRANTED**;

9 IT IS FURTHER ORDERED that Hatfield & Associates' Motion to Reduce Lien to  
10 Judgment (#31) is **GRANTED**;

11 IT IS FURTHER ORDERED that the Clerk of the Court enter **JUDGMENT** for Hatfield  
12 & Associates, Ltd., and attorney Trevor J. Hatfield, Esq. and against Plaintiff Joe Smith in the  
13 amount of \$1,104.55.

14 DATED this 19<sup>TH</sup> day of December 2019.

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19 Kent J. Dawson  
20 United States District Judge  
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